

## **Body Worn Camera Policy**

### **430.1 PURPOSE AND SCOPE**

- A. To provide policy and procedure for the use of the body worn camera system (BWC) including both audio and video recording of field activity in the course of official police duties.
- B. The use of the body worn camera system provides documentary evidence for criminal investigations, internal or administrative investigations, and civil litigations. Deputies shall utilize this device in accordance with the provisions of this policy to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity.

### **430.2 DEFINITIONS**

**Body Worn Camera (BWC)** – A camera worn on an individual deputy's person that records and stores audio and video.

**Buffering Mode or Standby Mode** – The BWC is on but has not been activated to record both sound and video. While in the buffering mode, the camera will continuously record video only in 30 second loops.

**Event Mode** – When the Event button on the BWC is activated and the camera is recording both audio and video.

**Digital Evidence** – BWC files, including photographs, audio recordings and video footage, captured by a BWC and stored digitally.

**Evidence Docking Station (EDS)** – A portable multi-ported docking station installed at Sheriff patrol stations. The EDS recharges the BWC while uploading all digitally encrypted data from the device and transfers the data to Evidence.com.

**Evidence.com** – A digital evidence management service contracted for the Sheriff's Office and accessed at venturasheriffca.evidence.com. The service stores digitally encrypted data in a highly secure environment accessible to personnel approved by the Sheriff or his designee.

**Metadata** – Report numbers, names and other descriptors used to identify digital evidence.

### **430.3 PROCEDURE**

- A. Officer safety and public safety take precedence over recording events. Officer safety and the safety of the public shall be the primary considerations when contacting citizens or conducting vehicle stops, not the ability to record an event.
- B. Unauthorized use, duplication, and/or distribution of digital evidence is prohibited. Personnel shall not make copies of any digital evidence for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record BWC files.
- C. All recorded media images and audio from the BWC are property of the Ventura County Sheriff's Office and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Sheriff or his designee.

# Ventura County Sheriff's Office

## Policy Manual

### *Body Worn Camera Policy*

---

- D. The BWC shall not be used to record non work related activity and should generally not be activated in places where a reasonable expectation of privacy exists, such as locker room, dressing rooms, or restrooms.
    - 1. Deputies shall not use the BWC recording functions to record any personal conversation of or between another employee without the knowledge or permission of that employee.
  - E. Deputies should be aware of certain circumstances when operating the BWC may not be appropriate, such as:
    - 1. In a hospital emergency room where privacy of patients, including patients not part of the deputy's call should be considered.
    - 2. Anytime a person's private health information is being discussed.
    - 3. Response to accidents or ambulance follow up calls when the victims are not suspected of criminal activity.
    - 4. When the use of the BWC causes emotional distress to a crime victim.
  - F. Personnel shall use only the BWC system issued and approved by the Sheriff's Office. The wearing of any other personal video recorder for the same purpose is not authorized without approval from the Sheriff.
  - G. Personnel shall not remove, dismantle or tamper with any hardware and/or software component or part of the BWC.
  - H. There are many situations where the use of the BWC is appropriate. This policy is not intended to describe every possible circumstance. In addition to the required conditions, deputies should activate the system any time they feel its use would be appropriate and/or valuable to document an incident.
  - I. Unless it is unsafe or impractical to do so, or mechanical issues that impede the use of the device are present, deputies shall make every reasonable effort to activate their BWC prior to making contact in any of the following incidents:
    - 1. During any law enforcement related contact or activity where there is a reasonable suspicion of criminal activity or a violation of law an investigative or enforcement action may be taken.
    - 2. Deputies may activate the BWC before or during any other incident at their discretion and shall have the latitude to terminate the recording when there is not likelihood of force being used or anything else of evidentiary value occurring.
  - J. Private Citizens do not have a reasonable expectation of privacy when talking with law enforcement during the scope of a deputy's official duties, even when the contact is in a private residence. When deputies are lawfully present in a home (warrant, consent, or exigent circumstances) in the course of official duties, there is no reasonable expectation of privacy. Therefore, deputies are not required to give notice that they are recording. However, if asked, deputies shall advise citizens they are being recorded.
    - 1. Deputies are not required to initiate or cease recording an event, situation or circumstance solely at the demand of a citizen.
    - 2. Deputies are encouraged to advise private persons that they are recording if the advisement may gain compliance, assist in the investigation, and does not interfere with the investigation or officer safety.
  - K. It shall be deemed a violation of this policy for a deputy to fail to activate the device or intentionally terminate a recording in order to conceal a violation of law or policy.
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# Ventura County Sheriff's Office

## Policy Manual

### *Body Worn Camera Policy*

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#### **430.4 OPERATION**

- A. When not in use, and at the conclusion of a shift, BWC devices shall be stored in the designated EDS. Deputies shall ensure the BWC is properly seated into the EDS to allow for proper uploading, charging and updating.
- B. Deputies shall inspect their assigned BWC device prior to the start of a shift to ensure there is no visual damage and the device is charged and in working order.
- C. Deputies shall position the BWC on the front of their uniform, above the middle of the torso to facilitate optimum recording field of view.
- D. Deputies operating department motorcycles may dock their BWC at the end of their shift and then take their assigned motorcycle home. It will be the responsibility of the deputy to pick up their BWC as soon as practical at the beginning of their next shift. It is recognized that motor officers may make enforcement stops to and from work, which may result in those stops not being recorded.

#### **430.5 RESPONSIBILITIES**

##### **A. System Administrator**

The System Administrator(s) have oversight responsibilities of the BWC program to include, but not limited to, the following:

1. Equipment inventory and tracking.
2. Monitoring of Evidence.com including login and password oversight.
3. Warranty and repair oversight.
4. Troubleshooting of BWC and EDS devices at all Sheriff stations.
5. Liaison with SSB for network related issues and troubleshooting.
6. BWC point of contact for District Attorney, Public Defender and outside agencies.
7. Response to subpoenas for BWC footage.
8. Response to Public Records Act requests.
9. Monitoring or retention schedules for BWC files.
10. Due diligence prior to purging of BWC files.
11. Remain up to date on BWC related laws and policies.

##### **B. Supervisory**

1. Supervisors shall ensure deputies utilize the BWC according to policy guidelines.
2. Supervisors shall ensure BWC files related to critical incidents or the use of force are uploaded to Evidence.com.
3. When evaluating a use of force incident, supervisors shall review BWC files prior to completing the Use of Force Notification Form required by section 300.5.3 of the Sheriff's Policy Manual, Use of Force.
4. Supervisors may have the ability to immediately resolve citizen complaints by reviewing BWC files. When a complaint is resolved with no further action needed, supervisors shall add an additional category of Citizen Complaint to the video and make appropriate notes in the Notes section of Evidence.com. This will allow Professional Standards personnel to track incidents resolved by the use of the BWC system.

# Ventura County Sheriff's Office

## Policy Manual

### *Body Worn Camera Policy*

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5. It shall be deemed a violation of this policy for a supervisor or manager to review BWC files for the sole purpose of searching for violations of agency policy or law not related to a specific complaint or incident.

#### C. Personnel utilizing a BWC shall be responsible for the following:

1. Ensuring the BWC device is functioning properly.
2. Immediately reporting unresolved equipment malfunctions or problems to the System Administrator or their supervisor.
3. Documenting the use of the BWC on any of the following:
  - a. Crime/Incident or Arrest Report
  - b. Notation on citation
  - c. Field Interview Card
4. Deputies should continue preparing reports in the same manner as prior to the implementation of the BWC. Deputies should not substitute "refer to video" for a detailed and thorough report.
5. Once video of evidentiary value is captured, deputies shall identify BWC files by:
  - a. Noting the report number on the Case ID Field.
  - b. Entering a title. The title should include sufficient information to identify the file, such as a crime code, suspect name, location, event, etc.
  - c. Selecting the appropriate category(s).

### **430.6 REVIEW OF FILES**

- A. Although the data captured by the BWC is not considered Criminal Offender Record Information (CORI), it shall be treated in the same manner as CORI data. All access to the system is logged and subject to audit at any time. Access to the data from the system is permitted on a right to know, need to know basis. Employees authorized under this policy may review video according to the provisions of this policy.
- B. Once uploaded to Evidence.com, personnel may view their own audio/video data. Evidence.com automatically time/date stamps and records each access by officer name.
- C. An employee may also review BWC files as it relates to:
  1. Their involvement in an incident for the purposes of completing a criminal investigation and preparing official reports (this may be completing a criminal investigation and preparing official reports (this may be completed in the field via a department issued Bluetooth device)).
  2. Prior to courtroom testimony or for courtroom presentation.
  3. Providing a statement pursuant to an administrative inquiry, including officer involved shooting investigations.
  4. For potential training purposes.
    - a. For official use, Evidence.com shall only be accessed from Department authorized computers, Department workstations or MDC's.
    - b. Exception: Administrative users of Evidence.com may access Evidence.com from a computer or device outside of the Department for the purpose of completing administrative tasks, such as locking or unlocking a user, etc.

**Ventura County Sheriff's Office**  
Policy Manual

*Body Worn Camera Policy*

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**430.7 BWC FILES REQUESTS**

A. Sheriff's Office Requests

Any request shall be completed by the system administrator with the approval of the Sheriff or his designee.

B. Non-Sheriff Requests

All other requests for a BWC file shall be accepted and processed in accordance with federal, state, local statutes and Department policy.

C. Request for Deletion of Accidental Recording

**In the event of an accidental activation of the BWC where the resulting recording is of no investigative or evidentiary value, the recording employee may request that the BWC file be deleted by submitting an email request with sufficient information to locate the BWC file to the Division Commander or designee. The file will be reviewed and the request will be either approved or denied and forwarded to the system administrator for action.**

D. Copying Procedure

1. A copy of the BWC file may be made by the involved deputy or court liaison deputy in accordance with the provisions of this order for evidence, DA request, etc.
2. Other than as provided in this policy, no member of this Department shall download any video from Evidence.com onto any computer, device, drive, CD, DVD or any other format without the consent of the Sheriff.

E. Investigators Conducting Criminal or Internal Investigations Shall:

1. Advise the system administrator to restrict access/public disclosure of the BWC file in criminal or internal investigations, when necessary.
2. Document the reason for access by entering the related report number or IA case number on the BWC "Notes" field prior to viewing.
3. Review the file to determine whether the BWC file is of evidentiary value and process in accordance with established guidelines.
4. Investigators shall notify the system administrator to remove the access restriction when the investigation is closed.

F. A BWC file may be utilized as a training tool for individuals, specific units, and the Department as a whole. A recommendation to utilize a BWC file for such a purpose may come from any source.

1. A person recommending utilization of a BWC file for training purposes shall submit the recommendation through the chain of command to the Division Commander.
2. If an involved deputy or employee objects to the showing of a recording, his/her objections will be submitted to the Division Commander to determine if the employee's objection outweighs the training value.

**430.8 CATEGORY AND RETENTION**

- A. Employees utilizing the BWC shall identify each video by category. In the event a video is taken that does not fall into a listed category on Evidence.com and has no apparent evidentiary or administrative value, the deputy may leave the video as uncategorized.

# Ventura County Sheriff's Office

## Policy Manual

### *Body Worn Camera Policy*

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- B. Retention periods are established by the Sheriff in accordance with state and federal mandates.

#### **430.9 CATEGORY AND RETENTION**

- A. Personnel shall immediately report any recognized problems with the BWC to their administrative sergeant.
- B. Upon notification, the administrative sergeant shall contact the system administrator stating the problem or malfunction.
- C. The system administrator will report unresolved deficiencies to TASER International via web based support at <http://www.taser.com/support/contact-us> by completing the required information on-line and describing the issue or defect in detail in the "message" window provided.
- D. Provide the serial number of the unit needing service or repair and identify the model as an Axon Flex, Axon Body or battery pack as appropriate. A TASER representative will contact the Sheriff's Office BWC system administrator for resolution.

#### **430.10 DISCOVERY OF MISCONDUCT**

- A. Employees reviewing BWC files should remain focused on the incident or incidents in question and review only those recordings that are relative to their investigative scope. If improper conduct is suspected during any review of a BWC file, the person who discovered the conduct in question shall immediately notify a supervisor. The supervisor will make notifications to the appropriate management via chain of command. Nothing in this procedure prohibits addressing policy violations.